

#### § 3434.6

#### 7 CFR Ch. XXXIV (1–13 Edition)

changes at any time, if deemed appropriate and necessary.

(d) Any changes made in the CIP coding system by the U.S. Department of Education may result in a review or re-evaluation of the list of agriculture-related fields by the Secretary.

##### **§ 3434.6 Certification.**

(a) Except as provided in paragraph (c) of this section, institutions that meet the eligibility criteria set forth in § 3434.4 and offer agriculture-related programs in accordance to the criteria set forth in § 3434.5 (see list in appendix A to this part) shall be granted HSACU certification by the Secretary.

(b) A complete list of institutions with HSACU certification shall be provided in appendix B to this part and posted on the NIFA Web site at <http://www.nifa.usda.gov>.

(c) Institutions with Hispanic students receiving less than 15% of degrees awarded in agriculture-related programs during the two most recent completed academic years shall not be granted HSACU certification by the Secretary.

(d) The list of HSACU institutions will be updated annually. However, the Secretary reserves the right to make changes at any time, when deemed appropriate and necessary.

##### **§ 3434.7 Duration of certification.**

(a) Except as provided in paragraphs (b) and (c) of this section, HSACU certification granted to an institution by the Secretary under this part shall remain valid for a period of one year.

(b) Failure to maintain eligibility status at any time during the HSACU certification period shall result in an immediate revocation of HSACU certification.

(c) Failure to remain in compliance with reporting requirements or adherence to any administrative or national policy requirements listed in award terms and conditions for any of the HSACU programs may result in a suspension or an immediate revocation of HSACU certification.

##### **§ 3434.8 Appeals.**

(a) An institution not listed as a HSACU in appendix B to this part may submit an appeal to address denial of a

certification made pursuant to this part. Such appeals must be in writing and received by the HSACU Appeals Officer, Policy and Oversight Division, National Institute of Food and Agriculture, U.S. Department of Agriculture, 800 9th Street SW., Washington, DC 20024 within 30 days following an announcement of institutions designated for certification. The Appeals Officer will consider the record of the decision in question, any further written submissions by the institution, and other available information and shall provide the appellant a written decision as promptly as circumstances permit. Such appeals constitute an administrative review of the decision appealed from and are not conducted as an adjudicative proceeding.

(b) Appeals involving an agriculture-related field of study must include the CIP code and program title of the field of study (or major).

(c) Appeals from non-HSI schools will not be considered.

(d) The NIFA Assistant Director of the Institute of Youth, Family, and Community shall serve as the Appeals Officer.

(e) In considering such appeals or administrative reviews, the Appeals Officer shall take into account alleged errors in professional judgment or alleged prejudicial procedural errors by NIFA officials. The Appeals Officer's decision may:

(1) Reverse the appealed decision;

(2) Affirm the appealed decision;

(3) Where appropriate, withhold a decision until additional materials are provided. The Appeals Officer may base his/her decision in whole or part on matters or factors not discussed in the decision appealed from.

(f) If the NIFA decision on the appeal is adverse to the appellant or if an appellant's request for review is rejected, the appellant then has the option of submitting a request to the NIFA Deputy Director for Food and Community Resources for further review.

(g) The request for further review must be submitted to Policy and Oversight Division, National Institute of Food and Agriculture, U.S. Department of Agriculture, 800 9th Street SW., Washington, DC 20024 within 30 days

## Coop. State Research, Education, and Extension Ser., USDA Part. 3434, App. A

following the Appeals Officer's decision.

(h) No institution shall be considered to have exhausted its administrative remedies with respect to the certification or decision described in this part until the NIFA Deputy Director for Food and Community Resources has issued a final administrative decision pursuant to this section. The decision of the NIFA Deputy Director for Food and Community Resources is considered final.

(i) Appellants shall be notified in writing of any decision made by NIFA in regards to the appeal.

### § 3434.9 Recertification.

(a) The recertification process for a HSACU remains the same as the process outlined in § 3434.6.

(b) There is no limit to the number of times an institution may be recertified as a HSACU.

(c) In the event an institution is not granted recertification due to non-compliance with reporting requirements for a HSACU program, the institution shall be notified in writing and given a period of 90 days from the date of notification to be in compliance.

### § 3434.10 Reporting requirements.

(a) The certification process does not involve any reporting requirements.

(b) Reporting requirements for HSACU programs (*e.g.*, HSACU Endowment Fund) shall be established in separate parts.

#### APPENDIX A TO PART 3434—LIST OF AGRICULTURE-RELATED FIELDS

The instructional programs listed in this appendix are observed to be agriculture-related fields for HSACU eligibility purposes. Programs are listed in numerical order by their six-digit CIP code followed by the full title of the instructional program, as listed by the U.S. Department of Education.

01.0000, Agriculture, General  
01.0101, Agricultural Business and Management, General  
01.0102, Agribusiness/Agricultural Business Operations  
01.0103, Agricultural Economics  
01.0104, Farm/Farm and Ranch Management  
01.0105, Agricultural/Farm Supplies Retailing and Wholesaling  
01.0106, Agricultural Business Technology  
01.0199, Agricultural Business and Management, Other

01.0201, Agricultural Mechanization, General  
01.0204, Agricultural Power Machinery Operation  
01.0205, Agricultural Mechanics and Equipment/Machine Technology  
01.0299, Agricultural Mechanization, Other  
01.0301, Agricultural Production Operations, General  
01.0302, Animal/Livestock Husbandry and Production  
01.0303, Aquaculture  
01.0304, Crop Production  
01.0306, Dairy Husbandry and Production  
01.0307, Horse Husbandry/Equine Science and Management  
01.0308, Agroecology and Sustainable Agriculture  
01.0309, Viticulture and Enology  
01.0399, Agricultural Production Operations, Other  
01.0401, Agricultural and Food Products Processing  
01.0504, Dog/Pet/Animal Grooming  
01.0505, Animal Training  
01.0507, Equestrian/Equine Studies  
01.0508, Taxidermy/Taxidermist  
01.0599, Agricultural and Domestic Animal Services, Other  
01.0601, Applied Horticulture/Horticultural Operations, General  
01.0603, Ornamental Horticulture  
01.0604, Greenhouse Operations and Management  
01.0605, Landscaping and Groundskeeping  
01.0606, Plant Nursery Operations and Management  
01.0607, Turf and Turfgrass Management  
01.0608, Floriculture/Floristry Operations and Management  
01.0699, Applied Horticulture/Horticultural Business Services, Other  
01.0701, International Agriculture  
01.0801, Agricultural and Extension Education Services  
01.0802, Agricultural Communication/Journalism  
01.0899, Agricultural Public Services, Other  
01.0901, Animal Sciences, General  
01.0902, Agricultural Animal Breeding  
01.0903, Animal Health  
01.0904, Animal Nutrition  
01.0905, Dairy Science  
01.0906, Livestock Management  
01.0907, Poultry Science  
01.0999, Animal Sciences, Other  
01.1001, Food Science  
01.1002, Food Technology and Processing  
01.1099, Food Science and Technology, Other  
01.1101, Plant Sciences, General  
01.1102, Agronomy and Crop Science  
01.1103, Horticultural Science  
01.1104, Agricultural and Horticultural Plant Breeding  
01.1105, Plant Protection and Integrated Pest Management  
01.1106, Range Science and Management  
01.1199, Plant Sciences, Other